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Sixty-third year

Identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the annexed press statement issued by the Government of Georgia on 9 August 2008 regarding the situation in Georgia.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

08-45767 (E) 120808

Annex to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Press statement of the Government of Georgia

9 August 2008

Russia bombs Georgian, European and United States strategic interests

Late last night the Russian air force dropped 30 bombs on the outskirts of Tbilisi near the BTC pipeline and the parallel Shahbeniz pipeline, which transport oil and gas to Europe and the United States of America. Of the 30 bombs that fell, 28 exploded. Several of them came within five metres of the pipelines.

These attacks go far beyond bombing any solely Georgian strategic interests. The BTC pipeline transports about 800 barrels a day to Turkey, Europe and the United States of America and the Shahbeniz pipeline transports 6 million cubic metres of gas a day to Europe.

Russia's attacks have directly threatened the strategic interests of Europe and the United States of America at a time when the world is struggling with high energy prices. Furthermore, Russia is attempting to expand its stranglehold on European energy markets by making several European countries almost completely dependent on Russian energy supplies.

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Identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the texts of the Appeals of the Parliament of Georgia to the population residing in the territory of the former autonomous district of South Ossetia and to the international community on 8 August 2008 (see annexes I and II).

I should be grateful if the present letter and its annexes could be circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

08-45761 (E) 120808

Annex I to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Appeal of the Parliament of Georgia to the population residing in the territory of the former autonomous district of South Ossetia

8 August 2008

Despite the systematic efforts of the Georgian authorities, by means of dialogue and negotiations, to create conditions for the peaceful settlement of the conflict, the separatist regime of Kokoiti and its subordinate illegal armed formations purposefully were trying to escalate and increase the tension of the situation. Their recently realized actions shall be definitely assessed as military aggression against the Georgian State and, first of all, against the peaceful population residing in the territory of the former autonomous district of South Ossetia. The illegal armed formations opened fire on the peaceful population and, despite the fact that for the sake of maintenance of peace the Georgian authorities were refraining from opening fire in response, they continued the terrorization of the peaceful population and mass bombings.

On the basis of the above-mentioned, the Georgian authorities have been forced to take all measures for the protection of the peaceful population in the region, cleaning the territory of the illegal armed formations and the creation of necessary conditions for peace, stability and development.

The Parliament of Georgia reiterates the firm will of the Georgian authorities to build a unified, democratic State, where the rights and freedoms of all persons will be guaranteed, regardless of their ethnic origin.

The Parliament of Georgia appeals to the ethnic Ossetian citizens of the region and once more confirms that in the unified Georgian State the full spectrum of their rights and freedoms will be guaranteed, their identity and development will be safeguarded in the entire country and they will have all the necessary conditions for the realization of their cultural, economic, social and political rights.

The Parliament of Georgia appeals to the population of the region to keep calm and to refrain from participation in the military activities inspired by the illegal armed formations.

The Parliament of Georgia expresses the belief that in the nearest future peace will be restored in the region and all the conditions for peace, development, stability and dignified life will be created in the territory of the former autonomous district of South Ossetia.

Annex II to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Appeal of the Parliament of Georgia to the international community

8 August 2008

Despite the systematic efforts of the Georgian authorities, by means of dialogue and negotiations, to create conditions for the peaceful settlement of the conflict in the former autonomous district of South Ossetia, the Tskhinvali separatist regime and illegal armed formations subordinate to it were purposefully trying to escalate and charge the situation. Their recently committed actions shall be definitely assessed as armed aggression against the Georgian State and, first of all, against the population residing in the territory of the former autonomous district of South Ossetia. The illegal armed formations opened fire on the peaceful population and, in spite of the fact that for the sake of maintenance of peace, the Georgian authorities refrained from opening fire in response, they continued the terrorization of the peaceful population and mass bombings.

On the basis of the above-mentioned, the Georgian authorities have been forced to take all measures for the protection of the peaceful population in the region, cleaning the territory of illegal formations and the creation of necessary conditions for peace, stability and development.

The situation is complicated by the circumstance that the de facto "Government" of South Ossetia is actually composed of officials, sent from Russia, who to date are the active employees of the Russian power bodies. They do not represent the interests of the Ossetian population of the Tskhinvali region/South Ossetia and they had never lived in the region before their assignment to their positions. The Georgian authorities have several times appealed to the Russian authorities to take these people back from the region, which would have been a serious precondition for the normalization of the situation.

Unfortunately, instead of bringing peace to the conflict zone, Russia carries out the mobilization of illegal armed formations (so-called "volunteers"), giving out to them armaments and heavy military equipment, and their transfer to the conflict region through the Rocki Tunnel.

The Ministry of Defence of Russia also participates in the aggression against Georgia. On 8 August Russian military aviation several times violated the airspace of Georgia and attacked settlements in the Kareli, Gori, Marneuli and Tskhinvali districts and suburbs of Tbilisi. At the same time, the places selected as targets for air bombing have been especially those where there are dense gatherings of the peaceful population — namely, the market of the city of Gori and the stadium.

It is unacceptable and cynical on the side of Russian authorities to justify the military aggression on the pretext of protection of the citizens of Russia in Georgia. The history of Europe very well remembers the results of such policies, when in the 1930s the military occupation of sovereign Czechoslovakia by the Nazi regime

happened with the motivation of protection of the interests of an ethnic group residing in one of the regions of that country.

In such conditions, the Parliament of Georgia considers that the country is in the circumstances of undeclared war from the side of the Russian Federation and it is entitled, in accordance with Article 51 of the Charter of the United Nations, to take all measures to secure the sovereignty and protection of the security of the peaceful population.

At the same time, the Parliament of Georgia reiterates the firm will of the Georgian authorities to settle all the problems by means of dialogue and to build a unified, democratic State, where the rights and freedoms of all persons, regardless of their ethnic origin, will be safeguarded.

The Parliament of Georgia calls on the parliaments of partner countries, the international community and the world democratic community to make all efforts so as to stop the broad-scale military aggression of Russia against Georgia, to defuse the situation in the Tskhinvali region and to start the peaceful settlement process of the conflict with the participation of international, unbiased mediators.

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Identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the statements issued by the Ministry of Foreign Affairs of Georgia on 8 and 9 August 2008 regarding the situation in Georgia (see annexes I and II).

I should be grateful if the present letter and its annexes could be circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

08-45755 (E) 120808

Annex I to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

8 August 2008

As a result of massive bombings of Tskhinvali by Russian air force and artillery on 8 August 2008, the town was almost completely destroyed. However, the most tragic fact is that the bombing was undertaken during the three-hour ceasefire moratorium announced by the Georgian Government. Due to this circumstance, civilians were not able to make use of the safe corridor provided by the Georgian side and thus escape the zone of military actions. This situation has driven the Tskhinvali region to the edge of a humanitarian catastrophe. In the current situation, the Georgian side is making the utmost efforts to ease the plight of the civilians.

It should be mentioned that against the background of the Olympic Games in Beijing and the urging by the United Nations General Assembly to sustain the Olympic peace, the barbaric acts on behalf of Russia are a cause of particular concern.

The Ministry of Foreign Affairs of Georgia urges the international community to condemn the open aggression of the Russian Federation against Georgia and to marshal all its efforts towards the restoration of peace and security in the region.

Annex II to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

9 August 2008

On 9 August 2008 the Ministry of Foreign Affairs of the Russian Federation released another cynical statement, in which it accused the Government of Ukraine of facilitating ethnic cleansing in the Tskhinvali region.

It is surprising that the Russian Federation speaks with other States about morality when the regular army of Russia carries out full-scale military actions against sovereign Georgia and bombs civilian populations with all means available throughout the entire territory of Georgia.

During all these years the Russian Federation intensively armed the criminal regime of Tskhinvali, which held hostage the population residing in the conflict zone. The militarization of the region served only one purpose: to conduct full-scale open aggression against Georgia under the cover of a peacekeeping operation.

What Russia is doing currently in Georgia represents a logical continuation of the traditions of fascist and Soviet regimes.

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Identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the texts of Ordinance No. 402 of the President of Georgia (annex I), the letter of the Minister for Foreign Affairs of Georgia (annex II) and the decision of the Parliament of Georgia of 9 August 2008 on the Declaration of the State of War on the Whole Territory of Georgia and Full Mobilization (annex III).

I should be grateful if the present letter and its annexes could be circulated as documents of the sixty-second session of the General Assembly, under agenda item 16, "Protracted conflicts in the GUAM area and their implications for international peace, security and development", and of the Security Council.

(*Signed*) Irakli **Alasania**
Ambassador
Permanent Representative

08-50165 (E) 110908

Annex I to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

It is an honour and privilege to address you. I would like to inform you of the following issue:

On August 9, 2008, the President of Georgia invoked his right under Articles 73 (1) (f) and 46 (1) of the Constitution of Georgia and declared the state of war on the whole territory of Georgia for 15 days by Ordinance No. 402. On the same day, the declaration of the state of war was approved by the Parliament of Georgia.

The decision was made after military aggression of the Russian Federation against Georgia on August 8, 2008 that continue as for today. As a result of invasion, civilian objects, hospitals, residential sites and critical infrastructure have been bombed throughout the country causing casualties among civilian population and destruction of property.

Under these circumstances, the right of self-defence remained the only adequate and necessary measure, as proclaimed by Article 98 of the Constitution of Georgia, Article 51 of the United Nations Charter and customary international law. Therefore, the necessity existed to resort to use of force with the aim of putting an end to the armed attacks and avoiding further escalation of the situation.

No derogation from any of the rights guaranteed by the International Covenant on Civil and Political Rights has been declared at this stage. In case there is such a necessity, the Government of Georgia will inform the United Nations in due course.

We will keep you informed about any further developments on the issue.

The copy of Presidential Ordinance No. 402 on Declaration of the State of War on the Whole Territory of Georgia and Full Mobilization is attached.

(*Signed*) Eka **Tkeshelashvili**

Annex II to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Ordinance of the President of Georgia on the Declaration of the State of War on the Whole Territory of Georgia and Full Mobilization

No. 402 *9 August 2008* *Tbilisi*

In the last few days, the situation in the former Autonomous Region of South Ossetia has been deteriorated. The separatist forces are violating human rights and fundamental freedoms on massive scale. Armed attacks and violence against civilians take place. As a result of the above-mentioned actions, human casualties are registered among civilians as well as peacekeepers. Tens of civilians are wounded and their property destroyed.

Despite the unilateral decision of the Government of Georgia to cease fire and the offer of peace talks, the separatists launched massive scale attacks against civilian population on August 7-8, 2008. The Government of Georgia has taken necessary and proportionate measures to stop an armed attack.

The activities of the separatist forces in the territory of Georgia have been actively supported by the Russian Federation. In particular, on August 8, hundreds of armed personnel and armored vehicles entered the territory of Georgia through Roki tunnel.

On August 8, fighter jets of the Russian Federation intruded into airspace of Georgia on multiple occasions and carried out bombardments of cities of Kareli, Gori and the adjacent villages ; They also bombed the villages of Tskhinvali region, Vaziani Military Base and Marneuli Military Aerodrome. The battacks caused casualties among civilian population and the destruction of buildings.

Later, Senaki Airport, Senaki Military Base and Railway Station, as well as Poti Sea Port, Ship-building Factory, railway join were bombed. On August 9, Kopitnary airport, Gori Railway Station and civilian houses were bombed, which caused civilian casualties. During last hours the Russian Federation pursued its aggressive activities in Abkhazia. Majority of the above territories are situated 200-300 km away from Tskhinvali region. Consequently, the aggressive armed attack of the Russian Federation went far beyond the conflict territory and involves practically the whole territory of Georgia.

In light of all the above mentioned, it is evident that Russian Federation is carrying out indirect as well as direct armed attack against Georgia.

Indirect attack is materialized by the full support of the separatist forces , provision of armed equipment and ammunitions, committed by Russian officials holding high level posts in the self proclaimed republic of South Ossetia (Minister of Defense, Interior Minister, Secretary of Security Council, Prime Minister). Direct attack by the Russian Federation is evident from active, intensive and continuous armed activities that, *inter alia*, included violation of airspace of Georgia on multiple occasions and massive bombardments. The Black Sea military fleet and infantry units have been used

as well. These actions, by their nature and scale, are in full compliance with the definition of armed attack recognized by international law and should be qualified as such.

In these circumstances, the right of self-defense remains the only adequate and necessary measure, as proclaimed by the Article 98 of the Constitution of Georgia, Article 51 of the UN Charter and customary international law. Therefore, the necessity exists to resort to use of force that is aimed at putting an end to the armed attack and to avoid further escalation of the situation.

Due to the current circumstances, in order to avoid destabilization in the region, to suppress armed attacks and violence against civilian population, to ensure the protection of human rights and freedoms, pursuant to Article 73 (1)(g), Article 98 and Article 100 (1) of the Constitution of Georgia, the law of Georgia on State of War and Article 6 (a) of the law of Georgia on Mobilization:

1. State of war on the whole territory of Georgia shall be declared.

2. State of war shall remain in force for the period of fifteen (15) days.

3. In relation to the State of war, full mobilization shall be declared and Military Forces shall be used to suppress an armed attack.

4. The Decree shall be immediately published through mass media and afterwards (for a period of one day) shall be repeatedly transmitted on Public Broadcaster every two (2) hours;

5. The Decree shall be submitted to the Parliament of Georgia for approval within forty-eight (48) hours.

6. The Ministry of Foreign Affairs of Georgia (E. Tkeshelashvili) shall immediately inform the Secretary-General of the United Nations, the Secretary-General of the Council of Europe, other respective international organizations and the Heads of the accredited diplomatic missions to Georgia about the declaration of Martial law.

7. The present Decree shall enter into force upon signature and be immediately published in the Official Gazette.

President of Georgia **Mikheil Saakashvili**

Annex III to the identical letters dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Decision of the Parliament of Georgia

On the endorsement of Ordinance No. 402, Decree of the President of Georgia, 9 August 2008, on the Declaration of the State of War on the Whole Territory of Georgia and Full Mobilization

The Parliament of Georgia decides:

1. In accordance with Article 62, Article 100 (l) of the Constitution of Georgia, of Article 2 (2) of the Law of Georgia "On the State of War", Article 238 (l) and Article 239 (l) of the Regulation of the Parliament of Georgia, to endorse N402 Decree of the President of Georgia, 9 August 2008, "On Declaration of the State of War on the Whole Territory of Georgia and the Full Mobilization";

2. That the decision shall come into force immediately.

David **Bakradze**
Chairman of the Parliament of Georgia

Tbilisi
9 August 2008